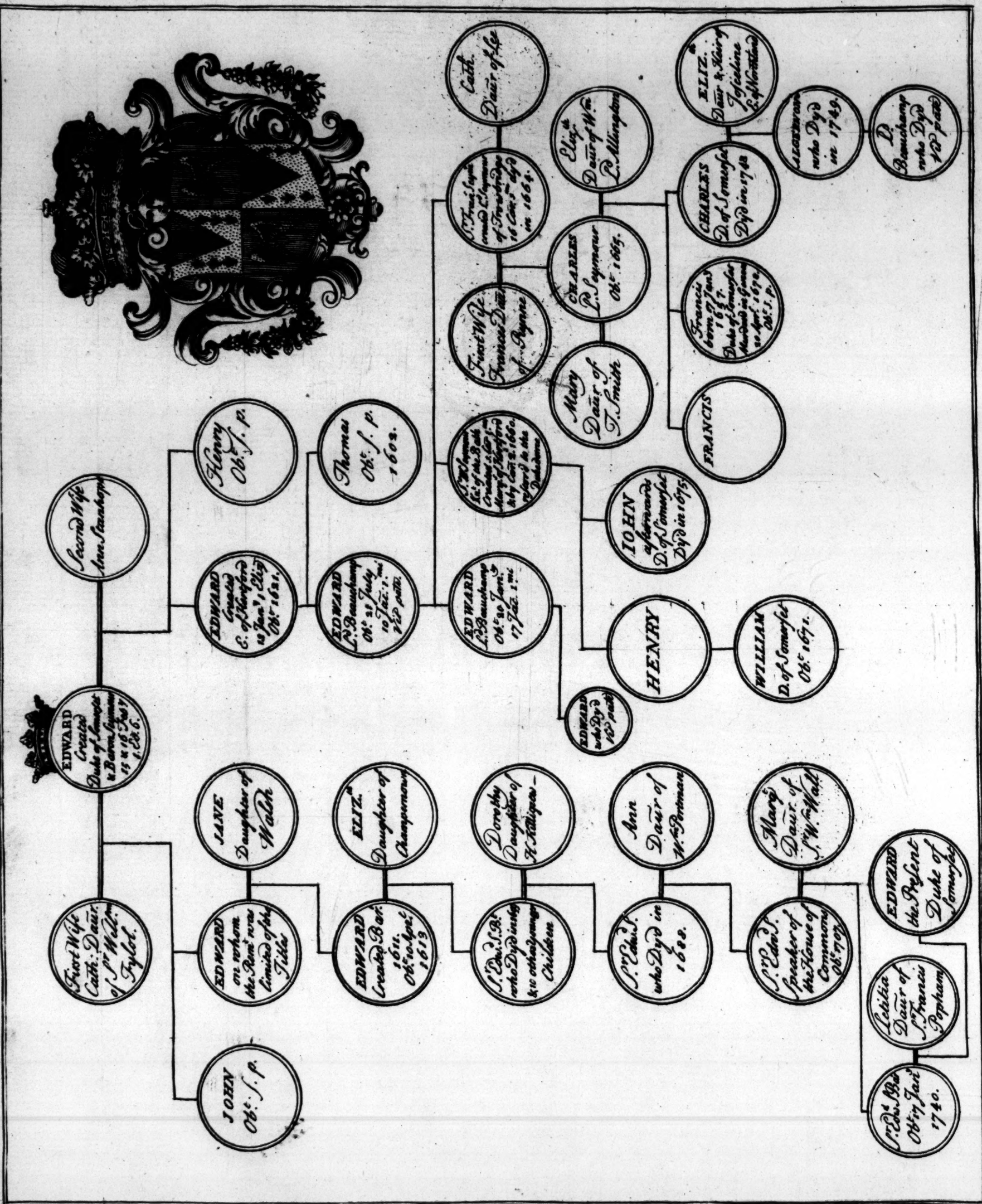




To the KING's most Excellent MAJESTY.

May it please your MAJESTY,

IN Obedience to your MAJESTY's Commands, signified to me by his Grace the Duke of Newcastle, your MAJESTY's principal Secretary of State, referring to me the Consideration of the inclosed Petition of Sir Edward Seymour, *Bar.* claiming the Barony of Seymour and Dukedom of Somerset; and of their Excellencies the Lords Justices Commands, signified to me afterwards by Mr. Aldworth, referring to me the Consideration of the Petition of Berkeley Seymour, *Esq.* also claiming the Barony of Seymour and Dukedom of Somerset, which is herewith also inclosed.

I have consider'd the said Petitions, and have been attended by the Council and Solicitors for each Petitioner.

Sir EDWARD SEYMOUR's Petition sets forth, that your MAJESTY's Royal Predecessor, King Edward the sixth, did, by his Letters-Patent bearing Date the 15th Day of February, in the first Year of his Reign, create Edward Seymour, then Earl of Hertford, his Uncle on the Mother's-Side, Baron Seymour, giving and granting to his aforesaid Uncle the Name, Stile and Title of Baron Seymour, to have, hold and enjoy the said Name of Baron Seymour, together with his other Dignities to his aforesaid Uncle, and to the Heirs-Male of his Body, and of Anne then his Wife, then already begotten, and of the aforesaid Anne thereafter lawfully to be begotten, with all Honours to the same Barony appendant and annex'd; and if it should happen that the said Earl should die without Heir-Male of his Body and of the said Anne his Wife, then already begotten or thereafter lawfully to be begotten, his said MAJESTY, will'd and granted that from the Death of the same Earl, he dying or deceasing without Heir-Male of his Body and of Anne his then Wife, Edward Seymour, *Esq.*; the Petitioner's lineal Ancestor named in the said Letters-Patent by the Name of Edward Seymour, *Esq.*; Son of the said Earl, of the Body of Catherine, deceased, the said Earl's first Wife, should be Lord and Baron Seymour, and should bear, have, hold, and enjoy to him the said Edward Seymour, and to the Heirs-Male of the same Edward, lawfully issuing, the Name, State, Title, and Honour of Baron Seymour, with all the Honours to the same Barony appendant and annex'd.

That his said MAJESTY King Edward the sixth, by other Letters-Patent bearing Date the 16th Day of the same Month of February, in the said first Year of his Reign, did create and erect his said Uncle Edward Seymour, then Earl of Hertford, Duke of Somerset, giving and granting to the said Earl, the Name, Title, State, Stile, Honour, Authority and Dignity of Duke of Somerset, and with that Title, State, Stile, Honour, Authority and Dignity, and with the other Honours thereto belonging and annex'd, and with the girding on a Sword, and putting on a Cap, and a Circle or Coronet of Gold on his Head, and Delivery of a golden Rod, did invest him to have, and to hold the said Name, Stile, State, Honour, Authority and Dignity of Duke of Somerset, to his MAJESTY's said Uncle, and to the Heirs-Male of his Body, and of Anne, then his Wife, then already begotten, and of the said Anne thereafter lawfully to be begotten, and if it should happen that the said Duke should die without Heir-Male of his Body, and of the aforesaid Anne then his Wife, begotten, or thereafter lawfully to be begotten, his said MAJESTY will'd and granted, that from the Death of the same Duke without Heir-Male of his Body, and of Anne then his Wife, the said Edward Seymour, *Esq.*; the Petitioner's said lineal Ancestor, therein also described by the Name of Edward Seymour, *Esq.*; Son of the said Duke, of the Body of Catherine, deceased, his first Wife, should be Duke of Somerset, and with that

that Title, State, Stile, Honour, Authority and Dignity, and with the other Honours thereto belonging and annex'd, and with the girding on a Sword, and with the putting on a Cap, and a Circle or Coronet of Gold on his Head, and Delivery of a golden Rod, should be invested and should bear, have, hold and enjoy to him, the aforesaid *Edward Seymour*, and to the *Heirs-Male* of the Body of him the said *Edward* lawfully issuing, the Name, State, Title, Honour, Authority and Dignity of *Duke of Somerset*, with all the Honours to the same *Duke* or *Dukedom* appendant and annex'd, as by the said several *Letters-Patent*, under the great Seal of *England*, may more fully appear.

That the said *Edward Seymour, Earl of Hertford*, by Virtue of the Grants and Limitations in the said several *Letters-Patent* contain'd, and by the Form and true Effect thereof, did accordingly become seized of, and did hold and enjoy the said several Honours, Titles and Dignities of *Baron Seymour* and *Duke of Somerset*, for such Estate of Inheritance as herein before is mention'd.

That afterwards, by an *Act of Parliament* made in the 5th Year of the Reign of his said MAJESTY King *Edward the sixth*, intituled, *An Act touching the Limitation of the Possessions and Inheritances of the Duke of Somerset*, taking Notice therein that the said *Duke*, and five other Persons therein named, for their several Felonies by them committed and done, were severally lawfully attainted of *Felony*, it was enacted that the said *Duke*, and his *Heirs*, and his *Heirs-Male*, begotten upon the Body of the said Lady *Anne* forever, should, by the Authority thereof, lose and forfeit to the King's Highness, his *Heirs* and *Successors* forever, and also be deprived from thenceforth forever, as well of the Names of *Viscount Beauchamp, Earl of Hertford*, and *Duke of Somerset*, and every of them, as also of all and every other his and their Honour or Honours, Degrees, Dignities, Estates, Preeminencies and Stiles, by whatsoever Name or Names he the same *Duke* had been call'd or created by any *Letters-Patents, Writs*, or otherwise.

That the said *Duke* afterwards was executed, and at the Time of his Death left Issue, by the said *Catherine* his first Wife, *John Seymour*, his eldest Son and Heir, and the said *Edward Seymour* the *Petitioner's* lineal Ancestor, named in the said *Letters-Patent*, and by the said *Anne* his second Wife, named in the said *Letters-Patent*, he left Issue one Son, named also *Edward Seymour*, the lineal Ancestor of *Algernon late Duke of Somerset*, herein after named.

That by an *Act of Parliament* made in the twelfth Year of the Reign of King *Charles the second*, intituled, *An Act for restoring the Marquis of Hertford to the Dukedom of Somerset*, reciting in Part the said *Letters-Patent* of the 16th Day of February, in the first Year of the Reign of his said MAJESTY King *Edward the sixth*, and reciting the said *Act of Parliament* of the fifth Year of King *Edward the sixth*, whereby the *Duke* was deprived of his said Dignities in Manner aforesaid, it was enacted that the said *William, Marquis of Hertford*, and the *Heirs-Male* of his Body, and the *Heirs-Male* of the Body of the said *Edward*, then late *Duke of Somerset*, begotten on the Body of the said Lady *Anne*, should be and were thereby restored to the Honour, Dignity, Authority and Title of *Duke of Somerset*, with all Privileges and Preeminences thereto belonging, as fully, amply and honourably, as the said *Edward Duke, of Somerset* did, or might at any time, hold or enjoy the same, by Virtue of the said *Letters-Patent*, and as fully and amply as if the said *Act* had never been made.

That by Virtue of the said *Act* last mention'd, he the said *William, Marquis of Hertford*, great Grandson and Heir-Male of the Body of the said *Edward, Duke of Somerset*, on the Body of the said *Anne* his Wife begotten, became seized of the said Honour and Dignity of *Duke of Somerset*, and did hold and enjoy the same to him and the *Heirs-Male* of the Body of the said *Edward, Earl of Hertford*, and the Body of the said



said Lady *Anne*, his said second *Wife*, begotten according to the Form of the said *Letters-Patent*, and the Limitations therein contain'd, and he the said *William, Marquis of Hertford*, dy'd seized of the said Honour, Title and Dignity of *Duke of Somerset*; and after several successive Descents the same Honour, Title and Dignity, by Virtue of the said Grants and Limitations, descended and came to the most Noble *Algernon*, late *Duke of Somerset*, as *Heir-Male* of the Body of the said *Edward Seymour, Earl of Hertford*, and of *Anne* his second *Wife*, named in the said *Letters-Patent*, by Reason whereof the said *Algernon, Duke of Somerset*, became seized to him and the *Heirs-Male* of the Body of his said Ancestor, the said *Edward Seymour, Earl of Hertford*, and of *Anne* his second *Wife*, in the said *Letters-Patent* named, and he the said *Algernon, Baron Seymour, Duke of Somerset*, being so thereof seized, lately dy'd without *Issue-Male* of his Body, issuing upon whose Death the Honours, Titles and Dignities of *Baron Seymour* and *Duke of Somerset* came and ought to remain, by Virtue of the several Grants and Limitations contain'd in the said *Letters-Patents* respectively, and by the Form and true Effect thereof, to the *Petitioner*, as *Heir* of the Body of the said *Edward Seymour, Esq*; named in the said several *Letters-Patent*, by Reason that the said *Edward Seymour, Earl of Hertford*, named in the said *Letters-Patent*, died without any *Heir-Male* of his Body, and of the Body of the said *Anne* his *Wife*, also named in the said *Letters-Patent*. Wherefore and for as much as the Right to the said Honours, Titles and Dignities, hath by the Form and true Effect of the said Grants and Limitations, contain'd in the said several *Letters-Patent* before-mention'd, (which the *Petitioner* hath ready to produce) remain'd and came to the said *Petitioner*, who is Son and *Heir* of *Sir Edward Seymour, Bar*. who was Son and *Heir* of the *R^t. Hon^{ble}. Sir Edward Seymour, Bar*. Speaker of the *Hon^{ble}. House of Commons*, and one of the *Privy-Council* to their late MAJESTIES *King William the third*, and *Queen Anne*, and which last mention'd *Sir Edward Seymour, Bar*. was Son and *Heir* of *Sir Edward Seymour, Bar*. who was Son and *Heir* of *Sir Edward Seymour, Bar*. who was Son and *Heir* of *Sir Edward Seymour, K^t*. who by *Letters-Patent* was created a *Bar*. by *King James the first*, and who was Son and *Heir* of the said *Edward Seymour, Esq*; named in the said before-mention'd *Letters-Patent*.

Therefore the *Petitioner* most humbly prays that your MAJESTY would be pleased to declare the said Honours, Degrees, Dignities, Estates, Preeminences and Stiles to belong to the *Petitioner*, as of Right they do; and that your MAJESTY would order a *Writ of Summons* forthwith to pass the great Seal to summon the *Petitioner* to *Parliament*, there to sit and enjoy the Place, Rank and Preeminences to the said Honours and Dignities to him belonging as aforesaid.

Mr. BERKELEY SEYMOUR's Petition agrees in Substance with the Petition of *Sir Edward Seymour*, till the Death of *Edward*, the first *Duke of Somerset*; and then it sets forth, that he left Issue by Lady *Anne*, his second *Wife*, three Sons, to wit, *Edward* his first Son, *Henry* his second Son, and *Edward*, afterwards *Sir Edward Seymour*, his third Son, and which *Edward*, the first Son, was the lineal Ancestor of *Algernon*, late *Duke of Somerset* therein after named, and the said *Henry*, the second Son, was the lineal Ancestor of the *Petitioner*.

That by an *Act of Parliament* made in the 12th Year of the Reign of his late MAJESTY *King Charles the second*, intitled, *An Act for restoring the Marquis of Hertford to the Dukedom of Somerset*, reciting in part the said *Letters-Patent* of the 16th Day of February, in the first Year of the Reign of his said MAJESTY *King Edward the sixth*, and reciting the said *Act of Parliament* of the fifth Year of *King Edward the sixth*, whereby the said *Duke* was deprived of his said Dignities in Manner aforesaid,

aforesaid, it was enacted that the said *William, Marquis of Hertford*, and the *Heirs-Male* of his Body, and the *Heirs-Male* of the Body of the said *Edward*, then late *Duke of Somerset*, begotten on the Body of the said Lady *Anne*, should be and were thereby restored to the Honour, Dignity, Authority and Title of *Duke of Somerset*, with all Privileges and Preeminences thereto belonging, as fully, amply and honourably, as the said *Edward, Duke of Somerset*, did, or might at any time, hold or enjoy the same, by Virtue of the said *Letters-Patent*, and as fully and amply as if the said former *Act* had never been made.

That by Virtue of the said last mention'd *Act*, he the said *William, Marquis of Hertford*, great Grandson and Heir-male of the Body of the said *Edward, Duke of Somerset*, on the Body of the said Lady *Anne* begotten, became seized of the said Honour and Dignity of *Duke of Somerset*, and did hold and enjoy the same to him and the *Heirs-Male* of the Body of the said *Edward, Earl of Hertford*, on the Body of the said Lady *Anne* his second Wife begotten, according to the Limitations contain'd in the said *Letters-Patent*, and died seized thereof, and by a Course of lineal Descent from the said *William, Marquis of Hertford*, the said Honour, Title and Dignity of *Duke of Somerset*, with all the Privileges and Preeminences thereto belonging, did by Virtue of the said Grants and Limitations, and *Act of Parliament*, descend to the most noble *Algernon*, late *Duke of Somerset*, as Heir-Male of the Body of the said *Edward Seymour, Earl of Hertford*, and of *Anne* his second Wife, named in the said *Letters-Patent*, and the said *Algernon*, late *Duke of Somerset*, became seized thereof to him and the *Heirs-Male* of the Body of his said Ancestor of the said *Edward Seymour, Earl of Hertford*, and of *Anne* his second Wife, in the said *Letters-Patent* named.

That the said *Algernon, Baron Seymour and Duke of Somerset*, being so seized as aforesaid, and being the only remaining Heir-Male of the Body of *Edward Seymour*, eldest Son of the said *Edward*, first *Duke of Somerset*, by the said *Anne* his second Wife, lately departed this Life, without Issue-Male of his Body, upon whose Death the said Honours, Titles and Dignities of *Baron Seymour and Duke of Somerset* descended, and, as the *Petitioner* is advised, ought to remain, by Virtue of the said several Grants and Limitations contain'd in the said *Letters-Patent* respectively (which the *Petitioner* hath ready to produce) and the said last mention'd *Act of Parliament* to the *Petitioner*, as Heir-Male of the Body of the said *Edward Seymour*, created *Duke of Somerset* by the before-mention'd *Letters-Patents*, and of *Anne* his said second Wife. Wherefore as the Right to the said Honours, Titles and Dignities is now vested in the said *Petitioner*, who is the Son and Heir of *John Seymour*, Doctor of Physick, deceased, who was the Son and Heir of *John Seymour*, late of *Bitton* in the County of *Gloucester*, Esq; who was the Son and Heir of *Thomas Seymour* late of *Bitton*, aforesaid, who was the Son and Heir of Sir *John Seymour*, late of *Frampton Cotterell*, who was the Son and Heir of Sir *Thomas Seymour*, late of *Frampton Cotterell*, aforesaid, who was the Son and Heir of *John Seymour*, late of *Frampton Cotterell*, Esq; who was the Son and Heir of *Henry Seymour*, second Son of the said *Edward*, so created *Duke of Somerset*, by the said recited *Letters-Patents*, by the said *Anne* his second Wife.

The *Petitioner* most humbly prays that their Excellencies would be pleased to declare the said Honours, Degrees, Dignities, Estates, Preeminences and Stiles to belong to the *Petitioner*, as of Right they do, and that their Excellencies would order a *Writ of Summons* to pass the great Seal, to summon the *Petitioner* to Parliament, there to sit and enjoy the Place, Rank and Preeminences to the said Honours and Dignities belonging as aforesaid.

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The *Patents*, under which they claim the Titles of *Baron Seymour* and *Duke of Somerset*, were produced to me, and are dated respectively, the former the 15th of *February*, in the first Year of King *Edward the sixth*, the latter the 16th of the same Month and Year.

By the First your MAJESTY's Royal Predecessor, King *Edward the sixth*, granted the Title of *Baron Seymour* to *Edward*, then *Earl of Hertford*, his Uncle on the Mother's Side, and to the *Heirs-Male* of his Body, and of *Anne* his then Wife, with Remainder to *Edward Seymour, Esq;* his Son by *Catherine* his first Wife, and to the *Heirs-Male* of his Body.

By the second *Patent* his MAJESTY, King *Edward the sixth*, granted the Title of *Duke of Somerset* to the same *Edward, Earl of Hertford*, and the *Heirs-Male* of his Body by the said *Anne* his second Wife, with like Remainder to the said *Edward Seymour*, and the *Heirs-Males* of his Body.

Sir *Edward Seymour* claims both these Titles, as *Heir-Male* of the Body of the said *Edward*, who was the second Son of the said *Edward*, first *Duke of Somerset*, by his first Wife, upon Supposition that his *Male Line* by the second Wife is extinct.

Berkeley Seymour claims the same Titles, as *Heir-Male* of the Body of the first *Duke* through *Henry*, second Son of the said *Duke*, by *Anne* his second Wife, upon Supposition that the *Male Line* of the *Duke*, through *Edward* his first Son by the second Wife, is extinct.

And for the more clear Comprehension of the Pedigrees under which they respectively claim, I have annex'd hereto Copies of the respective Pedigrees, by which they make their Claims.

As to Sir *Edward Seymour's* Claim, there are three Things necessary to be made out, *Viz.*

I. That the *Male Line* of the first *Duke of Somerset*, by his second Wife, is extinct.

II. That Sir *Edward* is himself the *Heir-male* of the Body of *Edward*, Son of the first *Duke* by his first Wife.

III. That there is no Objection arising from the Attainder of the first *Duke of Somerset*, in the fifth Year of King *Edward the sixth* for *Felony*.

In order, to make out the first, the following Evidence has been laid before me.

An original *Patent*, dated the 13th of *January*, in the first Year of the Reign of *Queen Elizabeth*, by which *Edward*, the first Son of the first *Duke of Somerset*, by Lady *Anne* his second Wife, was created *Earl of Hertford*, to him and the *Heirs-Males* of his Body.

An antient Roll of Pedigree sign'd by *William Detbick*, Garter King at Arms, and *William Cambden*, Clarencieux King at Arms, dated in the Year 1599, which appears, by the Affidavit of *James Roode*, to have been lately taken out of a Study or Room in the Petitioner Sir *Edward Seymour's* House, at *Maiden Bradley*, in the County of *Wilts*, together with divers other Writings in the Schedule to the Affidavit annexed.

By this Roll, after bringing the Pedigree, for many Generations, from the *Seymour's* of *Berry Pomeroy* in the County of *Devon*, in a direct Line, down to the first Duke of *Somerset*, it mentions two Branches of his Family, *Edward Seymour*, his Son by *Catherine* the Daughter and one of the *Cobeireffes* of Sir *William Filol*, his first Wife, and by *Anne Stanhope* his second Wife, six Children, two Sons and four Daughters, *Edward*, Earl of *Hertford* his eldest Son; *Henry*, Lord *Seymour* his second Son; *Anne*, the Wife of *John*, Earl of *Warwick*; *Mary*, the Wife of *Andrew Rogers*; *Elizabeth*, Wife of Sir *Richard Knightly*; and *Catherine*.

As to this Branch, the Roll of Pedigree carries it no further.

There was also laid before me an attested Copy of an *Inquisition*.

After the Death of *Edward*, Earl of *Hertford*, who died upon the 6th Day of *April*, 1621, taken the 27th Day of *September*, in the second Year of the Reign of King *Charles the first*, in this *Inquisition* eight different Settlements are recited to have been made by the said *Edward*, Earl of *Hertford*.

By the first of these Settlements dated the 20th Day of *May*, in the forty-fourth Year of the Reign of *Queen Elizabeth*, the Estate was limited to the Use of himself for Life, then of his Wife *Frances* for Life, then of the Heirs-Males of his Body by her, Remainder to *Edward Seymour*, commonly call'd Lord *Beauchamp*, his eldest Son, and the Heirs-Males of his Body, Remainder to *Thomas Seymour* his second Son, and the Heirs-Males of his Body, Remainder to *Henry Seymour*, Esq; commonly call'd Lord *Henry Seymour*, Brother of the said Earl, and the Heirs-Males of his Body, Remainder to *Edward Seymour*, of *Berry-Pomeroy*, in the County of *Devon*, Esq; and the Heirs-Males of his Body, Remainder to Sir *John Seymour*, of *Marwell*, in the County of *Southampton*, and the Heirs-Males of his Body, Remainder to the Heirs of the Body of the Earl, Remainder to his own right Heirs.

The second Settlement, found in the *Inquisition*, is dated the 1st Day of *May*, in the seventh Year of the Reign of King *James the first*, by which the Uses are limited after his own and his Wife's Death, to his eldest Son, *Edward Seymour*, call'd Lord *Beauchamp* in Tail-Male, Remainder to himself in Tail-Male, Remainder to *Edward Seymour*, of *Berry Pomeroy* in Tail-Male, Remainder to Sir *John Seymour*, of *Marwell*, Remainder to the Heirs of his own Body, Remainder to his own right Heirs.

The third Settlement is dated the said 1st Day of *May*, in the seventh of King *James the first*, by which on the Marriage of his Grandson *Edward*, the Son of his eldest Son Lord *Beauchamp*, he made a Settlement on his said Grandson for Life, Remainder to *Anne* his intended Wife, for Life, Remainder to the Heirs-Males of the Body of his said Grandson, Remainder to the Heirs-Males of the Body of his Son Lord *Beauchamp*, Remainder to *Edward Seymour*, of *Berry Pomeroy* in Tail-Male, Remainder to Sir *John Seymour* of *Marwell* in Tail-Male, with Remainder to his own right Heirs.

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The *Inquisition* then finds that *Lord Beauchamp* died the 21st Day of *July*, in the tenth Year of King *James the first*, leaving three Sons, the said *Edward Seymour*, then *Esq*; and afterwards *Kn^t. William Seymour*, then *Esq*; and afterwards *Kn^t*. and at the Time of the *Inquisition*, *Earl of Hertford*, his second Son, and *Francis Seymour*, *Esq*; at the Time of taking the *Inquisition*, *Kn^t*. his third Son.

The fourth Settlement is dated the 1st Day of *January*, in the tenth Year of King *James the first*, by which the *Earl of Hertford* settled an Estate, after his own and his Son *Francis's* Death, upon the first and other Sons of his Son *Francis*, afterwards Sir *Francis*, Remainder to his Daughters in *Tail-Male*, with Remainder to the said *Edward Seymour*, then Sir *Edward*, Brother of the said Sir *Francis* in *Tail-Male*, Remainder to the right *Heirs* of the said Sir *Edward*.

The four other Settlements are dated respectively, the first the 1st Day of *April*, in the eleventh Year of King *James the first*, the second the 20th Day of *January*, in the same Year; the third the 7th Day of *January*, in the fourteenth Year of King *James the first*; and the fourth the 10th Day of *November*, in the fifteenth Year of the Reign of King *James the first*, by all which the Uses are limited to his three several Grandsons, and their *Issue-Male* only, excepting that in That of the 7th Day of *January*, in the fourteenth Year of King *James the first*, after the Limitations to his three Grandsons, there is a Limitation to *Edward Seymour*, of *Berry Pomeroy*.

The *Inquisition* then finds that the said Sir *Edward Seymour*, the first Son of *Edward Lord Beauchamp*, died without Issue the 20th Day of *January*, in the seventeenth Year of King *James the first*, and that Sir *William Seymour*, his second Brother, afterwards *Earl of Hertford*, was his Brother and *Heir*, and that *Edward, Earl of Hertford*, died the 6th Day of *April*, in the nineteenth Year of the Reign of King *James the first*.

There was also produced to me a Copy, verified by Affidavit, of an *Inscription* on the said *Earl Edward's* MONUMENT, in the *Cathedral-Church* of *SARUM*; in which he is mention'd to have died the 6th of *April*, 1621; being eighty-three Years old, and to have had two Sons, *Thomas* who died before his *Father* without Issue, and *Edward Lord Beauchamp*, who dying, likewise before his *Father*, left three Sons, *Edward* then dead, *William* then *Earl of Hertford*, and Sir *Francis*, and *Honor* his only Daughter.

There was also laid before me, *Letters-Patent*, of the seventeenth of King *Charles the first*, by which, *William*, then *Earl of Hertford*, was created *Marquis of Hertford*, to him and the *Heirs-Male* of his Body.

There was also laid before me the following further Evidence;

An attested Copy of an *Act of Parliament* of the twelfth of King *Charles the second*, by which, reciting the *Patent* of Creation of the first *Duke of Somerset*, An *Act* made in the Reign of King *Edward the sixth*, confirming his Attainder for *Felony*, by which he lost that Title, this *Act* restores the Title of *Duke of Somerset* to *William Marquis of Hertford*, being as is therein-mention'd *Heir-Male* of the Body of the first *Duke*, by *Anne* his Wife, and the *Heirs-Males* of his Body, and the *Heirs-Males* of the Body of the late *Duke*, on the Body of *Anne* his Wife.

Attested

Attested Copies of the Register of the *Burials* of the said *Marquis of Hertford*, then *Duke of Somerset*, on the 1st of *November*, 1660; of another *William*, *Duke of Somerset*, the 20th of *December*, 1671; of *John*, *Duke of Somerset*, the 10th of *June*, 1675; of *Francis*, *Duke of Somerset*, the 15th of *October*, 1678; of *Charles*, *Duke of Somerset*, the 14th Day of *January*, 1748; and of *Algernon*, *Duke of Somerset*, on the 24th Day of *February*, 1749-50.

Letters-Patent of the nineteenth of *February*, in the sixteenth of King *Charles the first*, by which his MAJESTY created Sir *Francis Seymour*, Son of *Edward*, Lord *Beauchamp*, who was the eldest Son of *Edward* late *Earl of Hertford*, *Baron Seymour of Trowbridge*, to hold to him and the *Heirs-Males* of his Body.

An attested Copy of a prerogative Probate of the *Will* of the said Lord *Seymour* of *Trowbridge*, dated the 5th Day of *September*, 1662; by which *Will*, reciting that he had agreed that if he would die without Issue of his Body on his Wife *Catherine*, then the Manor of *Isle Abbots*, &c. should remain to his own right *Heirs*, and then does, according to his Power reserved, bequeath his said Lands to his Son *Charles*, and makes him *Executor* without taking Notice of any other Child.

There was also produced three Copies of the Register at *Freshute* in the County of *Wilts*. One importing that *Francis* the Son, and *Elizabeth* the Daughter of *Charles Seymour, Esq*; and *Elizabeth* his Wife, are mention'd to have been twin-born the seventeenth Day of *January*, 1657; another importing that *Charles*, the Son of *Charles Seymour, Esq*; and *Elizabeth* his Wife, was born the 13th Day of *August*, and baptized the 23d, 1662.

The third imported that *Charles, Lord Seymour, Baron of Trowbridge*, died the 25th of *August*, 1665.

And these Entries were in part confirm'd by Entries in the *Pocket-Book* of the late *Duke Algernon*, made with his own Hand, in which it is enter'd that *Francis*, Son of *Charles Seymour*, and *Elizabeth* his Wife, was born the 9th Day of *May*, 1655; and buried the 29th of *January*, 1656; that *William*, Son of *Charles Seymour, Esq*; and *Elizabeth* his Wife, was born the 26th Day of *January*, 1656; that *Francis* and *Elizabeth* Son and Daughter of *Charles Seymour, Esq*; and *Elizabeth* his Wife, were twin-born the 17th of *January*, 1657; *Honor*, the Daughter of *Charles Seymour, Esq*; and *Elizabeth* his Wife, was born the 6th of *July*, 1659; and *Charles*, the Son of the Hon^{ble}. *Charles Seymour*, and *Elizabeth* his Wife, was born the 13th of *August*, 1662; and that *Charles, Lord Seymour, Baron of Trowbridge*, died the 25th Day of *August*, 1665; and was buried at *Trowbridge*, the 7th of *September* following.

The Affidavits of *Thomas Willson*, late Clerk of the Kitchen to *Duke Charles*, who swears that he heard *Duke Charles* say, that he did not know whether my Lord *Hertford*, who was his Son, would have any Son, and that he was the last of *Duke Charles's* Family or Line, and that he believed Sir *Edward Seymour* of the *West* would be intitled to be *Duke of Somerset*, and that *Duke Charles* often talk'd of the *Seymour's* of *Maiden-Bradley*, and that he believed they had a Right to succeed to the Title of *Duke of Somerset*, supposing, as the Deponent understood him, that the said *Algernon* should die without leaving a Son.

Thomas

Thomas Blakely, another Domestick of *Duke Charles*, by an Affidavit swears, that it was the general Opinion of the Family, that in Case the said *Duke* and his Son *Algernon* should die without *Issue-Male*, *Sir Edward Seymour* would be *Duke of Somerset*; and that he has heard the said *Duke* speak to the same Effect.

And *Thomas Elder*, another Domestick of *Duke Charles*, swears to the same Purpose.

Besides which, an Affidavit was produced from *Charles, Earl of Egremont*, that he has heard the late *Duke of Somerset*, his Grandfather, talk concerning the Descent of the Title to the *Dukedom of Somerset*; the Substance whereof was always such that he does therefrom verily believe, that it was his said Grandfather's Opinion, that in Case his Son *Algernon* should die without *Issue-Male*, the Title would descend to *Sir Edward Seymour of Bradley*, the present Claimant; and the rather that soon after my Lord *Beauchamp's* Death, the said *Duke* made particular Enquiry of him the *Earl* concerning *Sir Edward* and his Family, mentioning, as his Reason for such Enquiry, that he wish'd to have what Information he could concerning the Person and Family, to whom in all Probability his Title must descend.

The only Parts of the Pedigree, under which the *Petitioner Sir Edward* claims, to which any Objection could be made in point of Evidence, seem to be;

The supposed Failure of *Issue-Male* of *Henry* the second Son of the first *Duke*;

There being no Son of *William*, who was restored to the *Dukedom*, younger than *John, Duke of Somerset*;

There being no Son of *Francis Lord Seymour*, of *Trowbridge*, younger than *Charles*;

There being no Son of that *Charles* younger than *Duke Charles*, who died in the Year 1748.

But from the express Notice taken of that *Henry*, in the first Settlement found in the Inquisition *post Mortem*, of the second Year of King *Charles the first*, and the Limitation to him in Remainder, after Failure of *Issue-Male* of the then *Earl of Hertford*; and the total Omission of him, and any Issue of him in all the other Settlements, and from the limiting Remainders after the *Issue-Male* of the *Earl of Hertford*, to *Edward Seymour of Berry-Pomeroy*; and the Want of any Evidence to shew there was any such Issue of *Henry*, as well as the general Opinion of the Family that the *Male Line* by the second Wife would be extinct by the Death of *Duke Algernon* without *Issue-Male*, it was inferr'd that this *Henry* died without *Issue-Male*.

From the Title of *Duke of Somerset* being actually enjoy'd by *John* the fourth Son of *William*, the restored *Duke of Somerset*, it was concluded that his elder Brothers must be dead without *Issue-Male*.

From the same Title being enjoy'd next by *Francis*, the Son of *Charles Lord Seymour of Trowbridge*, and after him by *Duke Charles*, who died in the Year 1748, for so many Years without Interruption, the like Conclusion was drawn with respect to the Failure of *Issue-Male* of *William Duke of Somerset*, restored by the *Act* of King *Charles the second*, and to the Failure of the *Issue-Male* of *Francis, Lord Seymour of Trowbridge*, prior to his Son *Charles, Lord Seymour of Trowbridge*, and to the Failure of *Issue-Male* of that *Charles*, prior to *Duke Charles*; and from the Will of *Francis, Lord Seymour of Trowbridge*, taking Notice of his Son *Charles* and no other, and from *Duke Charles* and his Family's Declarations, that on Failure of his *Issue-Male*, the Title of *Duke of Somerset* would descend to the *Petitioner, Sir Edward Seymour*

Seymour and his Family, and there being no Appearance of any younger *Male* Branches of *Charles*, Lord *Seymour* of *Trowbridge*, than *Duke Charles*, it was argued that *Francis*, Lord *Seymour* of *Trowbridge*, had no younger Son than Lord *Charles*, and that Lord *Charles* had none younger than the last *Duke Charles*, whose only Son was *Algernon*, the last *Duke of Somerset*.

And from your MAJESTY's late Grant, which was produced to me of the Title of *Earl of Hertford*, dated the 3d Day of *August*, in the twenty-fourth Year of your MAJESTY's Reign, to my Lord *Conway*, it was inferr'd that the *Male Line* of *Edward* the Son of the first *Duke*, by *Anne* his second Wife, was understood to be extinct, as that Title, granted to *Edward*, his Son by that Wife, was to continue as long as that *Male Line* continued.

As to the second Thing to be proved on the Part of Sir *Edward* the *Petitioner*, Viz. That the *Male Line* of *Edward*, the second Son of the first *Duke of Somerset* by *Catherine Filol*, is still subsisting in the said Sir *Edward Seymour*, as *Heir-male* of the Body of that *Edward*; the before-mentioned ancient Roll of Pedigree was referr'd to, in which *Edward Seymour* of *Berry-Pomeroy* is mention'd as the Son of that *Edward Seymour*, the Son of the first *Duke of Somerset*, by *Catherine Filol*, and to have had nine Children; *Edward* the eldest, *John* the second, *William* the third, *Walter* the fourth, and *Richard* the fifth, and four Daughters; and it is under this *Edward* the eldest Son and his *Issue-Male*, that the *Petitioner* Sir *Edward* claims, in a direct Line.

For this Purpose, there has been laid before me the following Evidence;

An original prerogative Probate of the Will of *John Seymour, Esq*; dated the 7th Day of *December*, in the sixth Year of the Reign of King *Edward the sixth*, and proved the 26th *April*, 1553; by which he gives to his Brother, Sir *Edward Seymour* the elder, all his Lands and Goods, and makes him *Executor*;

An attested Copy of an *Act of Parliament* of the seventh Year of the Reign of King *Edward the sixth*, intituled, *An Act for the Restitution in Blood of Sir Edward Seymour, Knt.* which recites the *Petition* of Sir *Edward Seymour, Knt.* describing him now eldest Son of *Edward Seymour*, late *Duke of Somerset*, begotten of the Body of *Catherine*, one of the Daughters and Coheiresses of Sir *William Filol*, to be restored in Blood: It recites also the Attainder of the said *Duke*, and restores the said *Petitioner* Sir *Edward Seymour* in Blood, so as to enable him to take any Lands that may then after come to him from any collateral Ancestor. It also vests in him, and the *Heirs* of his Body, the Manor of *Maiden-Bradley*, in the County of *Wilts*; which would have descended to him as *Heir* to his Mother, had it not been for a Settlement unfairly obtain'd by the *Duke*, and the *Duke's* Attainder;

An original Deed or Grant under the great Seal of the 10th of *June*, in the seventh Year of King *Edward the sixth*, by which his MAJESTY grants to Sir *Edward Seymour, Knt.* Son of *Edward*, late *Duke of Somerset*, and his *Heirs*, the Manor of *Berry-Pomeroy*, in the County of *Devon*; which was Parcel of the Estate of the then late *Duke*;

An attested Copy of an *Inquisition, post Mortem*, taken the 20th Day of *September*, in the thirty-fifth Year of the Reign of Queen *Elizabeth*, on the Death of *Edward Seymour, Knt.* Lord *Seymour*, in which he is mention'd to have died seized in Fee of the Manor of *Berry-Pomeroy* and *Maiden-Bradley*, and that his Son *Edward Seymour, Esq*; was his *Heir* and thirty Years old;

An attested Copy of an Inscription on a Monument of the said Sir *Edward Seymour*, in the Church of *Berry-Pomeroy*, in the following Words. Here lyeth the Bodies of the Honble. Lord *Edward Seymour, Knt.* Son unto the Right Honble. *Edward Seymour, Duke of Somerset*, who died the 2d Day of *May*, 1593; Also

Also of *Edward Seymour* his Son, *Bar^t*, who died the 10th Day of *April*, 1613; the Lady *Elizabeth* his Wife, Daughter of Sir *Arthur Champernowne*, who had Issue eleven Children by him the said *Edward Seymour, Bar^t*;

The same ancient Roll of Pedigree before-mention'd, in which *Edward*, Grandson of the *Duke* and his Wife *Elizabeth* the Daughter of *Arthur Champernowne*, and *Edward Seymour* their first Son, and eight Children more are named;

Original *Letters-Patent* of the 29th Day of *June*, in the ninth Year of the Reign of King *James the first*, by which the Title of *Bar^t*. was granted to *Edward Seymour*, of *Berry Castle*, in the County of *Devon, Esq*; and the *Heirs-Males* of his Body;

An attested Copy of an *Inquisition, post Mortem*, which was taken the 12th Day of *August*, in the eleventh Year of the Reign of King *James the first*, on the Death of *Edward Seymour, Bar^t*. which finds that he was, before his Death, seized of *Berry-Pomeroy*, and on his Marriage with *Dorothy Killigrew*, settled *Berry-Pomeroy*, after his Father *Edward Seymour's* Death, to the Use of himself, and the *Heirs-Males* of his Body by his intended Wife, and that he did marry her, and died the 10th Day of *April*, before the *Inquisition*, and that *Edward Seymour, Kn^t. and Bar^t*. was his Son and *Heir*, and at his Father's Death above thirty Years old;

An original Deed, bearing Date the 7th Day of *January*, in the eighth Year of the Reign of King *Charles the first*, by which Sir *Edward Seymour* of *Berry-Pomeroy, Knight and Baronet*, covenants, in Consideration of the Marriage of *Edward Seymour* his Son and *Heir* apparent, with *Anne*, Daughter of Sir *William Portman*, to levy a Fine of *Berry-Pomeroy* and *Maiden-Bradley* to the Use of *Edward* the Son for Life, Remainder to the said *Anne* for her Life, Remainder to the *Heirs-Males* of their Bodies;

An attested Copy of the Register of the Burial at *Berry-Pomeroy* of Sir *Edward Seymour, Knight and Baronet*, on the 5th of *October*, 1659;

An original Indenture of Settlement, dated the 21st Day of *January*, 1661, in the thirteenth Year of the Reign of King *Charles the second*, by which Sir *Edward Seymour*, of *Berry-Pomeroy, Bar^t*. in Consideration of a Marriage then before had between *Edward Seymour* his Son and *Heir* apparent, and *Margaret*, Daughter of Sir *William Wall*, and of Articles previous to the Marriage, covenants to levy Fines of *Berry-Pomeroy* and *Maiden-Bradley*, to the Use of his said Son for Life, Remainder to his Wife for Life, Remainder to the *Heirs-Males* of their Bodies begotten;

An attested Copy of the Register of Burials at *Berry-Pomeroy*, in which Sir *Edward Seymour, Bar^t*. is mention'd to have been buried the 7th Day of *December*, 1688;

The Affidavit of *John Hamlin*, of *Berry-Pomeroy*, aged 84, and *David Salter* of the same Place, aged 73 Years, sworn the 8th of *April*, 1750, wherein they both swear, that they knew Sir *Edward*, the Great Grand-father, Sir *Edward*, the Grand-father, and Sir *Edward*, the Father of the Claimant Sir *Edward Seymour*, and that they all died seized of *Berry-Pomeroy*, and that the present Sir *Edward* is reputed to be the eldest and first *Heir-Male* of the Family of the *Seymours*, and as such is now the Lord and Owner of the said Manor. And *Hamlin* saith he attended at the Burying and Funeral of the Great Grand-father, and afterwards lived ten Years a Servant with the Grand-father; and *Salter* saith he hath been Tenant, for thirty-five Years, of the said Manor;

The Affidavit of *Uriah Messiter*, aged 60 Years, sworn the 26th of *March*, 1750, whereby he swears to the same Effect as to the Grand-father of the Claimant, Sir *Edward Seymour*, and speaks the same as to hear-say from his Mother and others, and as to the general Opinion that the Title of *Duke of Somerset* would descend to the Claimant on Failure of the *Issue-Male* then in Possession;

The

The Affidavit of *George Taylor*, sworn the 27th Day of *April*, 1750, whereby he swears that he is the present Steward to the Claimant, *Sir Edward Seymour*, and was so to his Father, and swears to their being Owners of *Berry-Pomeroy*.

Besides the above-mention'd Evidence, particularly applied to several Branches of this Line of Pedigree, there was also laid before me the original Marriage Settlement of King *Henry the eighth* with *Jane*, the first *Duke of Somerset's* Sister, dated the 3d Day of *June*, in the twenty-eighth Year of his Reign;

And the Settlement on the Marriage of the first *Duke of Somerset* with *Catherine*, his first Wife, dated the 26th Day of *April*, in the fifth Year of the Reign of King *Henry the eighth*, both of which Settlements are in the Petitioner, *Sir Edward Seymour's* Custody.

The Possession of these Deeds, the Continuation of the Title of *Bar.* in the Petitioner and his Ancestors, who could be intitled to it only through the same Line, as the Right to the *Dukedom*, must be derived since the Creation of the Title of *Bar.* and their actual Enjoyment of the same Estates of *Berry-Pomeroy* and *Maiden-Bradley*, as *Edward* the Remainder Man in the *Dukedom*; and the Sense and Opinion of the late *Duke Charles* and the Family concerning the Petitioner, *Sir Edward Seymour's* Title, were all used as so many further very material Facts to prove the Truth of his Pedigree.

III. The only Thing that remains as to *Sir Edward Seymour's* Claim, is, the Objection arising from the first *Duke's* Attainder of Felony.

He being seized of the Titles of *Lord Seymour* and *Duke of Somerset*, by the *Patents* before-mention'd, to him and the *Heirs-Males* of his Body by Lady *Anne*, with Remainder to *Edward*, his Son by his first Wife, and the *Heirs-Males* of his Body; and being also seized of the Title of *Viscount Beauchamp*, by Virtue of *Letters-Patent* dated the 5th Day of *June*, in the twenty-eighth Year of the Reign of King *Henry the eighth*, and of *Earl of Hertford*, by Virtue of other *Letters-Patent* dated the 18th Day of *October*, in the twenty-ninth Year of the Reign of King *Henry the eighth*, to hold both the said Titles to him and the *Heirs-Males* of his Body, was attainted of Felony in the fifth Year of the Reign of King *Edward the sixth*;

And an *Act of Parliament* was made in the fifth and sixth Years of the Reign of King *Edward the sixth*, an attested Copy of which was laid before me, intitled *An Act touching the Limitation of the late Duke of Somerset's Lands*.

By this *Act*, a former *Act*, made in the thirty-second Year of the Reign of King *Henry the eighth*, is repeal'd, and among other Things Recompence is made to *John*, the eldest Son of the *Duke*, by *Catherine Filol*, for certain Lands that had been his Mother's, and sold by the *Duke*, and then it enacts in the following Words; "That the said *Duke* and " his *Heirs* and his *Heirs-Males*, begotten upon the Body of the said Lady *Anne*, for ever, " shall by Authority of this *Act*, lose and forfeit unto your *Highness*, your *Heirs* and Suc- " cessors for ever, and also be deprived, from henceforth for ever, as well of the Names " of *Viscount Beauchamp*, *Earl of Hertford*, and *Duke of Somerset*, and every of them, " as also of all and every other his and their Honour or Honours, Degrees, Dignities, " Estates, Pre-eminences and Stiles, by whatsoever Name or Names he the same *Duke* " hath been call'd, named, or created, by any *Letters-Patents*, Writs, or otherwise.

Afterwards *William Marquis of Hertford*, being as before stated *Heir-Male* of the Body of the said *Duke of Somerset*, by the Lady *Anne*, an *Act of Parliament* was made in the twelfth Year of the Reign of King *Charles the second*, reciting the Words before-mention'd in the said *Act* of the fifth and sixth of King *Edward the sixth*, it says in the following

following Words, " Now forasmuch as the said *Duke* was a happy Instrument in the
 " blessed Reformation of Religion, and *William* now *Marquis of Hertford*, being *Heir-*
 " *Male* of the Body of the said *Duke*, by the said *Lady Anne*, having in a high Degree,
 " by many eminent Services, shew'd his Duty, Loyalty and Affection to your sacred
 " MAJESTY and your Royal Father of blessed Memory, the said Lords and Commons
 " therefore humbly beseech your MAJESTY that it may be enacted, and be it enacted by
 " the King's most excellent MAJESTY, by and with the Advice and Consent of the
 " Lords and Commons in this present Parliament assembled, and by Authority of the
 " same, that the said *William Marquis of Hertford*, and the *Heirs-Males* of his Body,
 " and the *Heirs-Males* of the Body of the said *Edward* late *Duke of Somerset*, begotten
 " upon the Body of the said *Lady Anne*, be and are hereby restored to the said Honour,
 " Dignity, Authority, and Title of *Duke of Somerset*, with all Privileges and Pre-emi-
 " nences thereunto belonging, as fully, amply, and honourably as the said *Edward Duke*
 " of *Somerset* did or might at any Time hold and enjoy the same by Virtue of the said
 " *Letters-Patents*, and as fully and amply as if the said *Act* had never been had or made;
 " any thing in the said Clause or before-mention'd *Act* to the contrary in any wise not-
 " withstanding.

This *Act of Restitution* extending in Words only to the *Heirs-Males* of the *Marquis*,
 and the *Heirs-Males* of the *Duke*, by *Lady Anne*, and the *Petitioner*, *Sir Edward Sey-*
mour, not claiming to be such *Heir-Male*, he could not have any Benefit from it; from
 hence two Objections were mention'd, One that the *Duke's* Attainder extinguish'd the
 Honours entirely, as well with Respect to the Remainder-Man as the *Heirs-Males* of the
Duke.

The Other, That the *Act of Parliament* at least did so, by making not only the *Duke*,
 but his *Heirs* generally, as well as the *Heirs-Males* of his Body on *Lady Anne*, to forfeit
 them.

To the first of these it was answer'd; That an Attainder for Felony, operating only by
 Corruption of Blood, can have no Effect upon any but such as claim by Descent through
 that Blood, which *Edward Seymour*, the Remainder Man, and his *Issue-Male*, do not.

To the second Objection it was answer'd; that the Word *Heirs*, used in the *Act*, can
 mean none but such who claim the Title as *Heirs*, which the *Petitioner*, *Sir Edward*
Seymour, does not, though he is in Fact now *Heir* general of the *Duke*, but by Virtue of
 the Limitation in Remainder; and as the *Act* intended to create a Forfeiture in the *Duke*
 of all his Titles, of which it appears he had several besides the *Dukedom*, that Word
 might be inserted on Purpose to include any Titles that might descend to his *Heirs*
 general;

And it was further answer'd; that the Particularity of extending the Forfeiture in ex-
 press Words to the *Heirs-Male* of the *Duke* by *Lady Anne*, and not to the Remainder-
 Man, shews the View was to extend the Forfeiture of the *Dukedom* and *Barony* of *Sey-*
mour no further, and not to the Prejudice of the elder Branch of the Family by a former
 Wife, in whose Favour one Part of the *Act* was particularly made.

As to the Title of the *Petitioner*, *Berkeley Seymour*;

He claim'd the Benefit of all the Evidence produced by *Sir Edward*, that proved the
 Extinction of the *Male* Line of *Edward, Earl of Hertford*, the *Duke's* eldest Son by
Lady Anne his second Wife, but then insisted that the whole Line of the *Heirs-Male*
 of the *Duke* by *Lady Anne* was not determined, but that he was the *Heir-Male* of the
 Body of the *Duke* through the before-named *Henry* his second Son by *Lady Anne*, and
 for that Purpose derived his Pedigree according to the other annex'd Pedigree.

The first Step in this Pedigree is, that *Henry*, who is therein mention'd to have marry'd *Jane* the fourth Daughter of *Thomas Percy, Earl of Northumberland*, had a Son named *John*, described to be of *Frampton Cottrel*, in the County of *Gloucester*, and to have been buried there the 22d Day of *May*, 1598, and to have marry'd *Jane* eldest Daughter of *Sir Nicholas Poyntz*, in the County of *Gloucester*, by *Jane* Daughter of *Thomas Lord Berkeley*.

In order to make out this, the following Evidence was laid before me ;

A Bargain and Sale enroll'd, dated the 19th Day of *July*, in the thirtieth Year of the Reign of King *Henry the eighth*, whereby *Lord Daubigny* conveys to *Edward Earl of Hertford* and his Heirs, amongst other Things, an Estate call'd *Frampton Cottrel*, in the County of *Gloucester*;

An attested Copy of a Visitation Book for the County of *Gloucester*, taken in the Year 1623; in which, in the Pedigree of the *Poyntz's*, there is named *Jane* the Daughter of *Sir Nicholas Poyntz*, as having been Wife of *John Seymour* of *Frampton Cottrel, Esq*;

And another Pedigree of the *Syms* in the same Book, wherein it is said, that one of the Daughters of *John Syms* married *Sir John Seymour*;

An Inquisition, *post Mortem*, taken the 13th Day of *September*, in the fortieth Year of the Reign of Queen *Elizabeth*, on the Death of *John Seymour, Esq*; by which it is found, that *John Seymour* died seized of *Frampton Cottrel*, and that he had levy'd a Fine of the Premises between him and his Son *Thomas* in *Michaelmas* Term, in the twenty-second and twenty-third Years of the Reign of Queen *Elizabeth*, to the Use of himself for Life, Remainder to *Elizabeth Webb*, his intended Wife, Remainder to his Son *Thomas* and his Heirs ;

And that *John Seymour* died at *Frampton Cottrel*, the 20th Day of *May*, in the thirty-ninth Year of the Reign of Queen *Elizabeth*, and leaving his Son *Thomas* his Heir, who was forty Years old at his Father's Death.

There were also laid before me two original Letters from the late *Duke Charles*, and sign'd by himself; one dated the 22d Day of *May*, 1689; the other the 19th of *July*, 1695; and sworn to be both all of his Hand-writing, and wrote to the *Petitioner Berkeley Seymour's* Grandfather, in the former of which, after several kind Expressions to *John Seymour*, the *Petitioner's* Grandfather, who was Governor of *Maryland*, he concludes, from your Cousin and humble Servant ;

The latter has also several friendly Expressions, and concludes, your humble Servant.

The Affidavit of *Jane Seymour*, the *Petitioner Berkeley Seymour's* Aunt, swears to her Belief of great Part of the Pedigree as stated, and that *Berkeley Seymour* is descended in a direct Line from *Edward, Duke of Somerset*, ; and that her Father has frequently declared so in the Family, and that in Case of the Death of *Charles, Duke of Somerset*, and his Son *Algernon*, without Issue-Male, he himself was next intitled.

This being the Whole of the Evidence produced, to prove the first Step of the Pedigree, that *Henry* left a Son named *John*, it was not only insufficient in itself to prove that this *John* was Son of the *Henry* in Question, but made that Fact to be impossible, as upon that Supposition *Thomas* the Son of *John*, and Grandson of *Henry*, must have been forty Years old at a Time when his supposed Grandfather's elder Brother, *Edward, Earl of Hertford*, who died in 1621, at the Age of eighty-three, could not be above nineteen Years old.

The

The like Impossibility also appearing from a Copy of a Bargain and Sale inroll'd in the Court of *Common Pleas*, dated the 18th of *June*, 1559; by which, the same *John Seymour* bought *Frampton Cottrel*, for four hundred and fifty Pounds, at a Time when his Father's elder Brother could not be twenty-one Years old.

Upon the Inconsistency of these Evidences, with the Supposition of *John Seymour* being the Son of *Henry*, the Council and Agent for Mr. *Berkeley Seymour* did not think proper to read the Rest of their Evidence to shew his Descent from that *John*.

On the Whole, I am humbly of Opinion, that the *Petitioner*, Sir *Edward Seymour*, has sufficiently proved his Right to the two Titles of *Baron Seymour* and *Duke of Somerset*, and that it may be advisable, if your MAJESTY shall be graciously pleased so to do, to order a *Writ of Summons* to pass the great Seal, to summon the said *Petitioner* to sit in *Parliament*, and there to enjoy the Rank and Privileges to his said Titles belonging.

D. R Y D E R,

23d of November, 1750.

The following is a copy of a letter in which the Duke of Somerset, in answer to a letter from the Duke of Devonshire, dated the 11th of June, 1795, states that he has no objection to the Duke of Devonshire's using the Duke of Somerset's name in his title.

Upon the receipt of this letter, the Duke of Devonshire, in answer to a letter from the Duke of Somerset, dated the 11th of June, 1795, states that he has no objection to the Duke of Somerset's using the Duke of Devonshire's name in his title.

On the whole, I am happy to say, that the Duke of Somerset, in answer to a letter from the Duke of Devonshire, dated the 11th of June, 1795, states that he has no objection to the Duke of Devonshire's using the Duke of Somerset's name in his title.

**The ATTORNEY-
GENERAL'S Report
of Sir Edward
Seymour's Title to
the Dukedom of
Somerset.**



D. RYDER.

1795.